

Members

Sen. John Waterman, Chairperson
Sen. David Ford
Sen. William Alexa
Sen. Anita Bowser
Rep. Duane Cheney
Rep. Vernon Smith
Rep. Ralph Ayres
Rep. Ralph Foley



CORRECTIONS MATTERS EVALUATION COMMITTEE

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Authority: IC 2-5-21-10

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MEETING MINUTES (Revised)¹

Meeting Date: October 15, 2001
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St.,
Room 130
Meeting City: Indianapolis, Indiana
Meeting Number: 2

Members Present: Sen. David Ford; Rep. Duane Cheney; Rep. Ralph Foley.

Members Absent: Sen. John Waterman, Chairperson; Sen. William Alexa; Sen. Anita Bowser; Rep. Ralph Ayres; Rep. Vernon Smith.

THIS IS A JOINT MEETING WITH THE INTERIM STUDY COMMITTEE ON STATE AND LOCAL GOVERNMENT ISSUES

1) Call to Order

Representative Scott Mellinger, Chairman of the Interim Study Committee on State and Local Issues, called the meeting to order at 1:15 P.M. After introduction of the members, the Chair proceeded to the agenda for the meeting.

2) Review of Draft of Final Report by the Interim Study Committee on State and Government Issues

The Chair opened discussion on the draft of the final report by asking for any questions on the truck transportation issue. There were no questions and no discussion on this issue.

The Committee next examined the issue of telephone services for jail inmates. Senator Charles Meeks distributed a draft of a bill relating to this topic. Sarah Freeman, staff attorney

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

for the Committee, explained the features of the draft and its implications on inmate telephone services. She explained that the draft provides that the charge for a collect telephone call placed by a confined offender in the following: (1) community corrections facilities; (2) juvenile detention facilities; (3) juvenile detention centers; or (4) a county jail located in counties with populations greater than or equal to 75,000; may not exceed the charge for a collect call placed by a confined offender in a Department of Correction facility.

Members questioned the process of how the telephone company determines the prices charged and why the state collects a 43 percent commission. Sen. Meeks told the Committee that this bill is a starting point to make the pricing of inmate telephone services consistent throughout the jail and prison system. Representative Mahern expressed concern over the high percentage of revenue that the state receives from commissions. Other Committee members felt that additional discussion will be needed before legislation affecting telephone charges and commissions would be approved by the General Assembly.

Tom Freuchtenicht, representing the Indiana Sheriffs' Association, testified in favor of the draft. He also stated that many sheriffs contract for this service and have commission rates that are less than 40 percent. The Chair noted mixed support for this bill draft.

3) Continued Discussion of HR 39, Investigation of the Department of Correction

The Chair then moved on to discussion of the investigation of the Department of Correction (DOC). Rep. Cheney encouraged the DOC to continue to monitor racist situations, but saw no concrete evidence from the current investigation. No other discussion occurred on this issue.

The next topic was the status of education programs administered in DOC facilities. Randy Koester, Legislative Liaison for the Department of Correction, distributed a handout to the Committee to answer some of the members' questions from the last meeting. (Attachment A.)

In answering the questions about administrative costs and teachers' salaries, DOC staff made the following points:

- The administrative costs of these programs were on average about 5% of the total costs of the programs.
- The salaries of teachers in DOC facilities are based on the *per diem salaries* of the largest school corporation in the county. These teachers work on a year-round schedule in DOC facilities. Consequently, the salaries of these teachers in DOC facilities are significantly higher than the salaries of the teachers in the school corporations in the same county in which the prison facilities are located ***because they work a twelve month year.***
- The DOC education budget is not tied to any other state education budget.

4) Discussion and Testimony on HR 62, the Design-Build Method of Project Delivery of Public Construction

The design-build process is essentially an agreement to perform both design and construction work under one contract between the owner and the design-build firm. This concept generally has three components:

- A request for qualifications and for proposal that describes the essential project requirements in performance terms.

- An evaluation of the contractor's proposal.
- Competitive negotiations with the offeror leading to contract award.

By contrast, the vast majority of public works projects are accomplished through the design/bid/build process in which the following process occurs:

- Government agencies have a design prepared by an architect or engineer,
- Government agencies publicly announce the design specifications and solicit bids,
- Contractors submit bids,
- Government agencies select a firm to complete the project.

Doug Simmons, representing the Consulting Engineers of Indiana, spoke in opposition to the design-build method because of the need to maintain public openness and to keep any incentive for early completion. Ed Doyle, also representing the Consulting Engineers of Indiana, opposed the concept in publicly financed projects because public funds may be expended without public oversight and because the interest of the public agency may not be adequately protected. (Attachment B)

Harold Fors of Fors Construction Company supported the design-build method. He told the Committee that the method is already being used in several privately owned projects. He also said that many public entities are already doing this, but that there is a need for guidelines. (Attachment C). Toby McClamroch, attorney for Bingham Summers, also spoke in favor of the HR 62. He saw this process as a simplification of the way public construction takes place. He said that the guidelines they presented would not force use of design-build, but would allow it as an alternative. He also told the Committee that in his legal opinion current law does not allow for governmental construction in Indiana using the design-build method. Rob Palmer, representing the Associated General Contractors of Indiana also spoke in favor of the design-build method. (See Attachment C from Associated General Contractors of Indiana.)

Eric Roeske, representing the consulting engineers, also testified against this method, and questioned why the current system should be changed if it is working. Tonya Galbraith, representing the Association of Cities and Towns, said that she felt this method was a limitation on municipalities' current construction practices. She was opposed to any guidelines. David Bottorff, for the Association of Counties, was also opposed for many of the same reasons. Charles Kahl, representing Indiana Constructors Inc., opposed HR 62. (See Attachment D). Dewey Peerman, for Construction Advancement Foundation of Northern Indiana, felt the guidelines should be set forth to keep public openness in the process.

5) Additional Business, Including Proposed Legislation

The Chair opened up the floor for any other discussion. There was none.

6) Adjournment

The Chair stated that the Committee could approve all issues in the final report, other than the design-build section. This could be resolved at a later date. The Committee then approved the other three sections of the report. The Chair adjourned the meeting at 4:15 P.M.